

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	YOUNG, ET AL.	Confirmation No.	4470
Serial No.:	10/797,367	Art Unit:	1618
Filed:	10 March 2004	Examiner:	FUBARA, Blessing M.
For:	DRUG-ENHANCED ADHESION PREVENTION		
Docket No.:	ETH5095CIP	Customer No.:	25570

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

Dear Sir:

This is a response to the Advisory Action mailed April 30, 2010 and the telephone interview conducted with the Examiner on May 12, 2010.

REMARKS

Upon review of the Advisory Action, mailed April 30, 2010, Applicants representative contacted the Examiner by telephone to discuss in detail the remaining issues with the present application.

During the interview it was discovered that the copy of the specification being used by Applicant was not identical to the official copy filed with the USPTO. Accordingly, as indicated in the Advisory Action, Applicants had not correctly cited the pagination in the specification providing basis for the claim amendments submitted in their response of April 8, 2010.

Likewise, during the interview Applicants directed the Examiner's attention to the proper pagination of the official copy of the specification, obtained from PAIRS, which provides basis for the claims as amended. In particular, Applicants directed attention to page 17, lines 12-18, which states:

Moreover, alternative delivery systems based on biodegradable polymers and that are suitable for use in accordance with the present invention, for example, fibers, films, foams, or filaments comprising the active agents, also are contemplated as being within the scope of the present invention when containing effective amounts of Tranilast or analogs thereof.

Applicants submitted that this portion of the specification, as originally filed, provides specific support for almost all the limitations of claim 28, as amended. Basis for inclusion of additional therapeutic agents is found at page 20, line 15, et seq., which reads in part:

In another preferred embodiment of the present invention, a delivery vehicle in the form of a barrier and Tranilast could show greater efficacy if combined with other drugs at the time of surgery or pre-operatively.

In addition, Applicants discussed with the Examiner the previous inclusion of all the present claim limitations in claim 28 (see Applicants' response of September 22, 2009), and that the most recent amendment merely rearranged the components of the composition in order to make the claim more easily readable and understood.

As such, no new matter was added to the claims in the most recent amendment, and the amendment raised no new issues which would require further consideration and/or search by the Examiner. Accordingly, Applicants again request entry of the amendment filed April 8, 2010, and withdrawal of the remaining rejections under 35 U.S.C. §112.

Upon notification of allowable subject matter, Applicants will consider filing a terminal disclaimer to remove the remaining double patenting rejection.

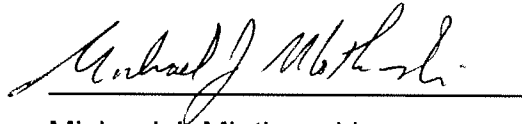
U.S. Serial No. 10/797,367
Response dated: June 8, 2010
Response to Advisory Action dated April 30, 2010

In view of the foregoing, it is respectfully submitted that the present claims are in condition for allowance. Prompt notification of allowance is respectfully requested.

If the Examiner has any questions or wishes to discuss this application, the Examiner is invited to contact the undersigned representative at the number set forth below.

Respectfully submitted,

Date: June 8, 2010

A handwritten signature in cursive script, appearing to read "Michael J. Mlotkowski", is written over a horizontal line.

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